

Exhibit AA
Claeson Deposition Transcript



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Transcript of Brianna Claeson

Date: May 5, 2022

Case: Elsharkawy, at al. -v- Chisago Lakes School District Board of Education, et al.

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Transcript of Brianna Claeson
Conducted on May 5, 2022

20

1 Chisago Lakes. You know, I would see the 11:13:01
2 therapists in the hallways but it wasn't -- we 11:13:06
3 generally didn't have them involved in staff 11:13:06
4 meetings or anything like that. 11:13:10
5 Q. Okay. So you're not aware of any, let's 11:13:11
6 say even if it was, you know, financial in terms of 11:13:14
7 grants or any type of relationship between the two 11:13:20
8 entities besides housing them and giving them space 11:13:24
9 inside the school to have these therapy sessions, 11:13:32
10 right? 11:13:37
11 A. I am not aware. 11:13:37
12 Q. Okay. Okay. All right. What are the 11:13:38
13 extent of communications, if any, that you would 11:13:43
14 have as a case manager with TSA? 11:13:47
15 A. If something came up in the session and 11:13:50
16 the student had said, yes, you could share this 11:13:55
17 with my case manager, then the therapist would come 11:13:59
18 to me and share that. But typically we did not 11:14:02
19 have a lot of interaction with them, especially 11:14:07
20 regarding the sessions that the student would have. 11:14:12
21 I would know when a student was being pulled just 11:14:14
22 because a pass would come for them but that was as 11:14:19
23 much as I knew. 11:14:21
24 Q. Okay. So if a student is consenting to 11:14:21
25 share information is that something that's 11:14:25

1 should have extra time on assignments, then we 11:23:57
2 would talk about that as a team and if it needed to 11:24:03
3 be added we would agree that this student could 11:24:03
4 benefit from extra time, we would add it like as an 11:24:03
5 accommodation to the IEP. 11:24:04

6 Q. Okay. So are all of the medical 11:24:07
7 recommendations discussed and decided by the team 11:24:11
8 as to whether they should be included in an IEP or 11:24:16
9 not? 11:24:20

10 A. Yes. 11:24:20

11 Q. Are there some medical recommendations 11:24:21
12 that would just be added to an IEP as -- I mean I 11:24:24
13 guess what I'm trying to ask for is, is there a 11:24:31
14 distinction on different types of medical 11:24:34
15 recommendations? If a doctor is making a 11:24:38
16 recommendation that there should be some sort of 11:24:42
17 accommodation, are there some recommendations that 11:24:46
18 would be considered required by you as a case 11:24:51
19 manager to include because a doctor has given this 11:24:53
20 recommendation, and others that could be discussed 11:24:57
21 and a decision could be made? 11:25:04

22 MR. WALDSPURGER: Objection, calls for a 11:25:04
23 legal conclusion. You can answer based upon your 11:25:05
24 knowledge and experience. 11:25:05

25 Q. Based upon your knowledge and experience 11:25:05

1	A.	Yes.	11:35:49
2	Q.	I probably know your answer but I'm going	11:35:50
3		to ask you anyway. As a part of this case did	11:35:57
4		you -- did you provide all the contents of the	11:36:06
5		physical file to Mick?	11:36:14
6	A.	Yes.	11:36:17
7	Q.	Okay. And did you provide any digital	11:36:17
8		files, all the digital files related to Jacob to	11:36:25
9		Mick as well that you have?	11:36:30
10	A.	Yes, I did.	11:36:32
11	Q.	Okay. So you said you would first look at	11:36:34
12		the record that's being given to you by the prior	11:36:39
13		school, the IEP record, the evaluation, then you	11:36:43
14		would have an IEP meeting where I would imagine you	11:36:48
15		would have chosen the IEP members at that point,	11:36:54
16		had a meeting and within two weeks roll out an IEP,	11:36:59
17		right?	11:37:04
18	A.	Yes.	11:37:04
19	Q.	Okay. And as part of the information that	11:37:05
20		you're gathering, that IEP record that we were	11:37:08
21		talking about, that record would obviously include	11:37:12
22		any IEPs that were in place, right?	11:37:18
23	A.	Yes, typically when a student moves in we	11:37:21
24		only get the most recent one. It depends on what	11:37:28
25		each school sends. So we are required to get at	11:37:34

Transcript of Brianna Claeson
Conducted on May 5, 2022

103

1	Faith do you remember, besides these two incidents,	02:12:09
2	any other conversation, whether in writing or	02:12:13
3	orally with Faith about concerns of bullying?	02:12:17
4	A. She would bring it up I would say at	02:12:23
5	almost every IEP meeting that we had, it was	02:12:27
6	brought up. I don't remember the specifics that	02:12:31
7	she would say, but I felt like it was a standing	02:12:35
8	thing on our agenda each time.	02:12:40
9	Q. Okay. What do you remember discussing	02:12:43
10	about bullying, even if it's just collectively? I	02:12:47
11	understand that it's a standing agenda item, but if	02:12:52
12	there's any memory you have about the conversations	02:12:56
13	and how they've maybe changed through time,	02:12:59
14	anything that you remember about that?	02:13:03
15	A. I recall Faith would bring it you up and	02:13:05
16	say that, you know, Jacob didn't want to report it.	02:13:11
17	Jacob wasn't comfortable reporting it or for some	02:13:15
18	reason had chose not to.	02:13:21
19	Q. Okay. Do you recall why she said he	02:13:25
20	didn't want to report bullying?	02:13:28
21	A. She had mentioned once that this was the	02:13:30
22	year that I was his case manager, that this was the	02:13:37
23	first year that he really had friends at school and	02:13:41
24	that was really important to him. He didn't want	02:13:45
25	to lose those friends by -- by reporting things.	02:13:49

Transcript of Brianna Claeson
Conducted on May 5, 2022

128

1	discussing the behaviors that we were seeing.	02:50:39
2	Q. Okay. So how -- how do you recall	02:50:42
3	discipline was brought up in the context of the	02:50:46
4	functional behavioral assessment?	02:50:50
5	A. With functional behavior assessments we	02:50:54
6	look at the reason why behaviors, certain behaviors	02:50:58
7	are occurring, and more often than not one of the	02:51:02
8	reasons is discipline, or redirection, or an	02:51:06
9	argument with a teacher.	02:51:09
10	So more often than not those cause the	02:51:11
11	behavior problems, so some sort of reminder or	02:51:16
12	discipline causes that issue.	02:51:21
13	Q. Okay. And so discipline in particular,	02:51:23
14	what kind of behaviors does it cause that you're	02:51:28
15	referring to that was discussed during this	02:51:32
16	meeting?	02:51:38
17	A. I would say --	02:51:38
18	MR. WALDSPURGER: If you recall. I don't	02:51:42
19	want you to guess because you were saying, I would	02:51:48
20	say.	02:51:48
21	A. Right. Can you -- can you rephrase the	02:51:48
22	question? Can you repeat that for me?	02:51:50
23	Q. Right, okay. So within the context of the	02:51:50
24	functional behavioral assessment conversation you	02:51:53
25	brought up discipline having been discussed, and	02:51:56

Transcript of Brianna Claeson
Conducted on May 5, 2022

129

1	just a minute ago you said that discipline causes	02:51:59
2	certain behaviors, right.	02:52:03
3	What were those behaviors? And we're	02:52:07
4	talking still specifically about this conversation	02:52:10
5	with Jacob.	02:52:14
6	A. And I would have to look at the agenda	02:52:15
7	that we had on that, on that meeting. You know, it	02:52:19
8	was a long time ago so there's a lot of documents	02:52:22
9	that seeing that could refresh my memory, but --	02:52:27
10	Q. Okay.	02:52:32
11	A. There were a lot of meetings.	02:52:32
12	Q. Okay, that's fair. So I want to just ask	02:52:34
13	you as his case manager and with the information	02:52:36
14	that you have about Jacob, what do you recall,	02:52:39
15	what's your understanding about what his behavioral	02:52:44
16	response was when he was disciplined?	02:52:47
17	A. Honestly it depended on the teacher, the	02:52:56
18	setting. Within my specific class that I had Jacob	02:53:01
19	in, I didn't really run into these issues. I	02:53:07
20	could -- I could give him a reminder, hey, right	02:53:12
21	now you're talking to your friend, I need you to be	02:53:17
22	working on your assignment, and I didn't run into	02:53:22
23	issues with that.	02:53:26
24	A different class where maybe he didn't	02:53:26
25	get along with that teacher as well, such as study	02:53:29

1 skills, if that teacher redirected him sometimes it 02:53:30
2 would result in a power struggle, so some arguing 02:53:34
3 back and forth between the two. 02:53:38
4 So it honestly depended, you know, it 02:53:38
5 might be different in a small group versus a large 02:53:43
6 group class. It honestly depends on the setting. 02:53:47
7 Q. Okay. Who is the studies skills teacher 02:53:47
8 that you were just referring to? 02:53:51
9 A. That was Nancy Carlin. 02:53:51
10 Q. Okay. Okay. So sometimes so you were 02:53:54
11 giving the example of redirection, and did I 02:53:59
12 understand that the behavioral responses in your 02:54:06
13 experience is that it worked with Jacob? 02:54:09
14 A. Within my classes, yes, I didn't have an 02:54:12
15 issue after then usually. 02:54:15
16 Q. Okay. What about the, I know you were 02:54:20
17 just talking about Carlin, but I want to ask you 02:54:24
18 just redirection in terms of what you know his 02:54:30
19 behavioral response was with other teachers or 02:54:37
20 staff members? 02:54:43
21 A. I guess that it would honestly depend on 02:54:46
22 the situation. I know there was a lot of push back 02:54:51
23 with paraprofessionals in general, but typically 02:54:54
24 when teachers would redirect it wasn't as much of 02:54:59
25 an argument. 02:55:05

1 in special education for? Math and language arts 03:23:58
2 for sure. And I just need to look because I know 03:24:01
3 we had, we had a math lab at one point, which was 03:24:05
4 discontinued. So I just want to see if Jacob was 03:24:09
5 actually in that math lab based on his service 03:24:14
6 minutes here. 03:24:18

7 Q. Once you find out if you can point out the 03:24:19
8 page, that would be helpful. 03:24:23

9 A. Yes, page 303. So this would have been at 03:24:25
10 the beginning of that school year and so he was in 03:24:30
11 reading instruction daily, writing instruction. 03:24:37
12 And so when I say he was in my language class, that 03:24:42
13 would have been considered the writing instruction 03:24:45
14 side of this. Reading was a separate class that 03:24:50
15 would have been the class with Mrs. Howard. And 03:24:54
16 then he, so he was in a math lab, so he had math 03:24:59
17 every single day and then every other day he had 03:25:03
18 another class of special education math where they 03:25:07
19 used intervention programs to build or close the 03:25:09
20 skill gaps. 03:25:12

21 Q. Okay. 03:25:13

22 A. And then he had social skills and study 03:25:13
23 skills. 03:25:17

24 Q. So he, looking at this page 303, they're 03:25:17
25 all special education, all of his classes that 03:25:23

Transcript of Brianna Claeson
Conducted on May 5, 2022

173

1	to staff or teachers adhering to Jacob's IEP?	04:06:56
2	MR. WALDSPURGER: I don't understand that	04:07:04
3	question, counsel. Are you asking if the IEP	04:07:06
4	reflects staff not? I don't understand. I'm	04:07:12
5	confused.	04:07:13
6	Q. Okay. Yes. So let me ask it as a	04:07:13
7	different way. Are you aware of any IEP documents	04:07:19
8	that include services, or accommodations, or steps	04:07:23
9	taken, or anything to address a concern of staff	04:07:35
10	and teachers not following Jacob's IEP?	04:07:40
11	A. It would -- it would never be something	04:07:48
12	that's within IEP paperwork, but there are supports	04:07:51
13	available that are documented in the IEP that are	04:08:00
14	general education teachers or teachers that worked	04:08:02
15	with Jacob would get saying that I will assist them	04:08:05
16	in modifying if they need help with it, if it's	04:08:12
17	something that they don't feel that they are able	04:08:12
18	to do on their own, that I would assist them with	04:08:12
19	that.	04:08:13
20	But they are provided with these	04:08:14
21	modifications, are able to ask questions on them at	04:08:17
22	any time, and then also just having that meeting at	04:08:21
23	the beginning of the year where I discuss these	04:08:24
24	things and give them the opportunity to ask for	04:08:24
25	clarification if they needed it.	04:08:29

Transcript of Brianna Claeson
Conducted on May 5, 2022

179

1	Q.	It was a live document, okay. And so were	04:17:12
2		you taking the averages from the Google document	04:17:15
3		and you're the one that was inputting into the	04:17:18
4		system that was creating this chart?	04:17:22
5	A.	Yes.	04:17:25
6	Q.	Okay. Do you recall if you provided that	04:17:25
7		Google document to -- on this case?	04:17:34
8	A.	I do not recall. This was a long time ago	04:17:39
9		that I would have submitted everything.	04:17:42
10	Q.	Do --	04:17:50
11		MR. WALDSPURGER: -- Google documents after	04:17:50
12		you take the data from them?	04:17:52
13		THE WITNESS: No, not after, like as he	04:17:53
14		would have gone to high school I wouldn't maintain	04:17:55
15		it after then.	04:18:00
16		MR. WALDSPURGER: Did you hear that,	04:18:02
17		counsel?	04:18:03
18		BY MS. MASRI:	04:18:03
19	Q.	Yeah, it's the same document that the high	04:18:03
20		school team would take over essentially that you	04:18:06
21		would stop inputting onto it? Did I understand --	04:18:10
22	A.	They -- they would make their own complete	04:18:10
23		new one.	04:18:14
24		MR. WALDSPURGER: So that's one of the	04:18:15
25		things I hate about Google docs is when people use	04:18:16